

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**No. 13-I-249**

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## **IN THE MATTER OF:**

**GREGORY WARD, M.D.**

*(Certificate No. 08510R),*

*Respondent*

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## **CONSENT ORDER**

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Predicated on apparently reliable information, an investigation was conducted by the Louisiana State Board of Medical Examiners (the "Board") through its Director of Investigations (the "DOI"), of the prescribing practices of Gregory Ward, M.D. ("Dr. Ward"), a physician who at all pertinent times was and is licensed and engaged in the practice of Physical Medicine and Rehabilitation and pain management in Baton Rouge, Louisiana.

By way of background, Dr. Ward has been the subject of several complaints related to the improper and/or over-prescription of controlled substances. During a 2011 investigation by the Board, a number of Dr. Ward's patients' medical records were obtained for review, staff conducted interviews of patients or their representatives, and pharmacy profiles were reviewed. The Board accepted the recommendation of the DOI that the investigation be discontinued without further action based upon a belief that Dr. Ward could safely rehabilitate his practice and improve his record keeping so as to become fully compliant with the Board's rules governing the use of controlled substances for the treatment of non-cancer-related chronic or intractable pain ("Pain Rules")<sup>1</sup> and the Medical Practice Act.

In 2012, the Board received another complaint related to Dr. Ward's over-prescription of controlled substances to a patient of Dr. Ward who died of poly drug toxicity. The Board's investigation determined that Dr. Ward continued to prescribe the patient large quantities of controlled substances despite evidence that the patient was abusing prescription drugs. Moreover, Dr. Ward did not keep appropriately detailed and adequate treatment records that justified the use of controlled substances in the quantities that were prescribed.

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<sup>1</sup> Controlled Substances Used in the Treatment of Non-cancer-related Chronic or Intractable Pain, 46 La. Adm. Code §§ 45:6915-6923 (June 1997), amended (April 2000).

Predicated upon the information outlined above, the DOI determined that reasonable cause exists to pursue administrative proceedings against Dr. Ward for violation of the Board's Pain Rules, which is deemed a violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285 (A)(6)<sup>2</sup> and (14).<sup>3</sup>

As evidenced by his subscription hereto, Dr. Ward, without agreeing to the facts as alleged, and without admitting any liability or violation of federal or state law or regulation, or Board rule; and for purposes of this Consent Order only, acknowledges that such information could provide the DOI with a reasonable basis to initiate formal administrative proceedings against his license pursuant to the Louisiana Medical Practice Act, constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to written notification of any charges that may be asserted against him as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 et seq., Dr. Ward, nonetheless, hereby waives his rights to notice, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Ward acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Ward also hereby authorizes the DOI to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Ward expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI's authority to proceed with the filing and adjudication of any administrative charges that may subsequently be filed in this matter against him, or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order.

Accordingly, in consideration of the forgoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

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<sup>2</sup> Pursuant to La. R.S. §37:1285A(6), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

<sup>3</sup> Pursuant to La. R.S. §37:1285A(14), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state."

**IT IS ORDERED** that the license of Gregory Ward, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 08510R, be and the same is hereby, placed **ON PROBATION** for a period of one (1) year (the "probationary period"); *provided, however*, that Dr. Ward's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions and restrictions:

**1. Limitations on Prescription, Dispensation, Administration of Controlled Substances.** Except as authorized herein, Dr. Ward shall not prescribe, dispense or administer (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat. §40:964, as a Schedule II or III controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute, in an office-based setting. The prohibitions contained in this paragraph shall not prohibit Dr. Ward from prescribing Schedule IV or V controlled substances in the course of his practice, nor shall it prevent him from prescribing Schedule II or III controlled substances for administration to in-patients of hospitals, rehabilitation facilities, and nursing homes, or in-patients upon discharge from hospitals or rehabilitation facilities.

**2. Personalized Education/Remediation.** Within thirty (30) days of the effective date of this Order, Dr. Ward shall enter into a contract with Affiliated Monitors, Inc., or another comparable entity approved by the Board, for the development and implementation of an individualized assessment and remediation program which addresses proper prescribing. Dr. Ward shall authorize the remediation program to forward a report of his compliance and progress in the program not less frequently than quarterly, to the Probation Officer. Upon receipt of three favorable quarterly reports, this requirement shall be deemed satisfied.

**3. Prohibitions on the Prescribing of Controlled Substances for the Treatment of Obesity.** At no time following the effective date of this Order shall Dr. Ward prescribe controlled substances for the treatment of obesity. Furthermore, he shall not receive any remuneration from, or have any ownership interest in or association with any clinic or practice setting or arrangement that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the management of obesity.

**4. Attendance at Approved Seminar/Proper Prescribing.** Within one hundred eighty days (180) of issuance of this Order, Dr. Ward shall provide written confirmation that he has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of proper prescribing of controlled substance medications. All courses required by this provision shall be comprehensive in nature (greater than 20 credit

hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.

**5. Attendance at Approved Seminar/Medical Record Keeping.** Within one hundred eighty days (180) of issuance of this order, Dr. Ward shall provide written confirmation that he has attended and successfully completed one or more courses of study, acceptable to and pre-approved in writing by the Board, in the area of the creation and maintenance of adequate medical records. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and pre-approved in writing by the Board or its designee.

**6. Continuing Medical Education.** Dr. Ward shall obtain not less than fifty (50) credit hours during the probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of this Order, Dr. Ward shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.<sup>4</sup>

**7. Collaboration With Nurse Practitioners, Supervision of Physician Assistants Prohibited.** During the probationary term, the Dr. Ward shall not enter into nor continue in a collaborative or supervisory practice agreement with a mid-level provider, *e.g.*, nurse practitioner or physician assistant. This restriction shall not preclude Dr. Ward from employing nurses or other medical personnel to assist in his practice, as long as he is present and directing their activities appropriate to their level of expertise and ability.

**8. Payment of a Fine.** Dr. Ward shall pay a fine of \$5,000 to the Board, which payment shall be made within ninety (90) days of the acceptance of this Order by the Board.

**9. Absence from the State/Practice/Effect on Probation.** Should Dr. Ward at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

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<sup>4</sup> Courses taken to comply with Nos. 4 and 5 of this Order may be used to satisfy this condition.

**10. Notification.** Dr. Ward shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.

**11. Cooperation with Board's Probation and Compliance Officer.** Dr. Ward shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.

**12. Probation Monitoring Fee.** Dr. Ward shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the fee shall be due not later than sixty (60) days from the effective date of this Order.

**13. Certification of Compliance with Probationary Terms/Personal Appearance.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Ward shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Ward's compliance with the requirements of this provision.

**14. Effect of Violation/Sanction.** By his subscription hereto, Dr. Ward acknowledges that his receipt of written notification that the Board has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine as a physician in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms and conditions set forth in this Order by Dr. Ward shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Ward's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 19<sup>th</sup> day of May, 2014.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:

Mark H. Dawson

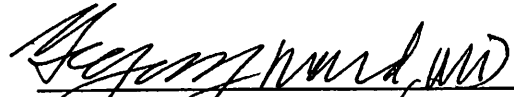
MARK H. DAWSON, M.D.  
*President*

*Acknowledgement and Consent  
Follows on Next Page*

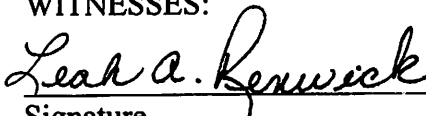
**ACKNOWLEDGMENT  
AND CONSENT**

STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

I, Gregory Ward, M.D. hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 25th day of APRIL, 2014.

  
GREGORY WARD, M.D.


WITNESSES:

  
Signature

Leah A. Renwick  
Typed Name

P.O. Box 3513  
Address

Baton Rouge, LA 70821  
City/State/Zip Code

  
Signature

Sherry Daigle  
Typed Name

P.O. Box 3513  
Address

Baton Rouge, La 70821  
City/State/Zip Code

Sworn to and subscribed before me this 25th day of April, 2014, in the presence of the two stated witnesses.

  
Notary Public (Signature and Seal)

LINDA G. RODRIGUE 20599  
Printed Name/Notary or Bar Number